

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,
Plaintiff,

V.

TEXAS INSTRUMENTS, INC.

Defendants.

BLUE SPIKE, LLC,
Plaintiff,

V.

AUDIBLE MAGIC CORPORATION,
ET AL.

Defendants.

Civil Action No. 6:12-CV-499-LED

(LEAD CASE)

JURY TRIAL DEMANDED

Civil Action No. 6:12-CV-576-LED

(CONSOLIDATED WITH 6:12-CV-499)

JURY TRIAL DEMANDED

**DECLARATION OF ORION ARMON IN SUPPORT OF DEFENDANTS' OPPOSITION
TO BLUE SPIKE'S MOTION TO STRIKE EXPERT DECLARATIONS**

I, Orion Armon, hereby declare:

1. I am a partner at Cooley LLP, attorneys of record for Defendant Facebook, Inc. I provide this declaration in support of defendants' opposition to Blue Spike's motion to strike the expert declarations of John Snell and Professor Matthew Turk. I declare that the following statements are true to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances. If called upon to testify, I could and would competently testify thereto.

2. On September 11, 2014, I attended a telephonic meet and confer with Blue Spike's counsel and Defendants' counsel. During the call, I inquired whether an extension of time to respond to Defendants' motion for summary judgment would cure the alleged prejudice that Blue Spike contends it experienced as a result of defendants' filing declarations from Mr. Snell and Dr. Turk with their motion for summary judgment. In response, Randall Garteiser, counsel for Blue Spike, indicated that Blue Spike would need a 60-day extension of time in order to take Mr. Snell's and Dr. Turk's depositions.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed in Broomfield, Colorado, on this 15th day of September, 2014.

/s/ Orion Armon
Orion Armon